

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SOUTHERN TRUST INSURANCE
COMPANY,

Plaintiff,

v.

PREMIER PACKAGING, INC.
and ST. PAUL FIRE AND MARINE
INSURANCE COMPANY,

Defendants.

No. 2:23-cv-02814-SHL-atc

**ORDER DENYING AS MOOT DEFENDANT PREMIER PACKAGING, INC.’S
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Before the Court is Defendant Premier Packaging, Inc.’s (“PPI”) Motion to Dismiss for Lack of Subject Matter Jurisdiction, filed February 9, 2024. (ECF No. 13.) On March 1, 2024, Plaintiff Southern Trust Insurance Company filed an amended complaint under Federal Rule of Civil Procedure 15(a)(1)(B). (ECF No. 21.) In most cases, “an amended complaint moots pending motions to dismiss.” See Crawford v. Tilley, 15 F.4th 752, 759 (6th Cir. 2021). There are certain exceptions where a district court can exercise its “discretion and apply a pending motion to dismiss to portions of an amended complaint that are substantially identical to the original complaint.” Id. (internal quotation marks and citation omitted). This case is not one of those rare instances because the basis of PPI’s motion to dismiss was cured in the amended complaint: Southern Trust Insurance Company’s principal place of business is in Georgia, thereby creating diversity jurisdiction. (ECF No. 21 at PageID 266–67.) Thus, the motion to dismiss is **DENIED** as moot.

IT IS SO ORDERED, this 1st day of March, 2024.

s/ Sheryl H. Lipman

SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE